

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

Plaintiffs

v.

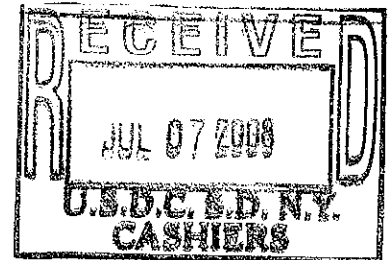
GENERAL MOTORS CORPORATION, et al.

Defendants.

JUDGE KEENAN

08 CIV 6168
Civil Action No.:

NOTICE OF REMOVAL OF DEFENDANT
GENERAL MOTORS CORPORATION



Defendant General Motors Corporation ("General Motors") pursuant to 28 U.S.C. §1442(a)(1) and 1446 gives notice of removal of an action filed against it in the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York. As grounds for removal General Motors states as follows:

1. On June 5, 2008, Plaintiffs served this action, Donald Wolf and Dorothy Wolf against General Motors Corporation and numerous other defendants, Index No.: 107498-08 in the Supreme Court of the Sate of New York, New York County. See Summons and Verified Complaint attached hereto as Exhibit A.
2. This case is based on plaintiffs' allegations that Donald Wolf's asbestos related disease was caused by his exposure to asbestos.
3. The Verified Complaint did not state Plaintiffs' case in a way in which it could be ascertained that it was removable.

4. Plaintiffs' counsel also sent to counsel for General Motors a document entitled Plaintiffs' Response to Defendants' Fourth Amended Interrogatories and Request for Production of Documents. A copy is attached as Exhibit B. That document is dated May 28, 2008.

5. Exhibit B identifies "General Motors 671s and 361 diesel engines" as alleged sources of asbestos exposure during the time Mr. Wolf served in the United States Navy. See Exhibit B at p. 20, Table A.

6. Exhibit B does not state Plaintiffs' case in a manner in which it could be ascertained that it is removable because it does not indicate that this alleged exposure was Mr. Wolf's only alleged exposure to General Motors asbestos containing products.

7. Mr. Wolf was deposed on June 23 and June 24, 2008, and did not testify that he was exposed to any General Motors asbestos containing products except for the General Motors diesel engines he testified he came in contact with while serving in the Navy, and this allowed the removable nature of this action to be ascertained.

8. To the extent that Plaintiffs' claim that Mr. Wolf was exposed to asbestos contained within General Motors engines in ships of the United States Navy, General Motors is entitled to invoke the "government contractor defense" in response. *See Boyle v. United Technologies Corp.*, 487 U.S. 500 (1988). General Motors intends to assert the government contractors defense to all of Plaintiffs' claims.

9. This is a civil action which may be removed pursuant to 28 U.S.C. §1442(a)(1) in that based on Mr. Wolf's testimony and Plaintiffs' answers to interrogatories, General Motors is entitled to rely on the federal officer removal statute because: (1) General Motors was acting under the direction of a federal officer in the course of the acts it allegedly performed; (2) General Motors has a federal defense to plaintiffs' claims; and (3) General Motors intends to

demonstrate that, if there is any causal nexus between Plaintiffs' claims and the acts it performed, the causal nexus is between Plaintiffs' claims and acts performed by General Motors under color of federal office.

10. This Notice of Removal is timely pursuant to 28 U.S.C. §1446(b), which provides that the notice removal shall be filed within thirty days after receipt of defendants, by service or otherwise, of a paper from which it may first be ascertained that the case is removable. First, it was filed within thirty days of General Motors ascertainment of the removable nature of this action at the deposition of Mr. Wolf. Additionally, it was within thirty days of initial service on General Motors. Thirty days from June 5, 2008 is July 5, 2008, a Saturday. When the final day for computing a period of time under a statute is a Saturday, the period runs until the first day that is not a Saturday, Sunday or legal holiday. F.R.C.P. 6.

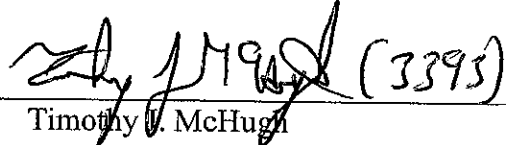
11. General Motors is not required to notify and obtain consent of any other defendant in this action in order to remove Plaintiffs' action as a whole under 28 U.S.C. §1442(a)(1).

12. A copy of all process and pleadings served on General Motors are attached hereto. No orders have been served to date. Those documents, other than Exhibits A and B, are attached as Exhibit C.

13. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served on all parties and filed with the Supreme Court of the State of New York, County of New York.

WHEREFORE, General Motors Corporation, pursuant to these statutes and in conformance with the requirements of 28 U.S.C. §1446, removes this action from the Supreme Court of the State of New York, County of New York, on this 7th day of July, 2008.

By: _____

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Attorney for Defendant,

General Motors Corporation

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JOANNE PETERS, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides in Fairfield County, Connecticut.

On July 7, 2008 deponent served the within CIVIL COVER SHEET upon:

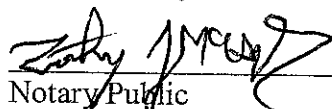
Weitz & Luxenberg
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All Defense Counsel – See Attached Rider

at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


Joanne Peters

Sworn to before me this
7th day of July, 2008


Notary Public

TIMOTHY J. McHUGH
Notary Public, State of New York
No. 02MC506248
Qualified in Suffolk County
Commission Expires July 1, 2011

2010

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

JOANNE PETERS, being duly sworn, deposes and says:

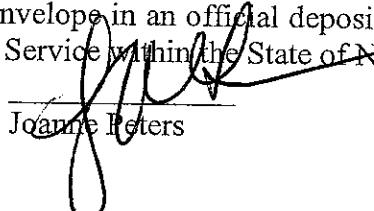
Deponent is not a party to the action, is over 18 years of age and resides in Fairfield County, Connecticut.

On July 7, 2008 deponent served the within RULE 7.1 STATEMENT upon:

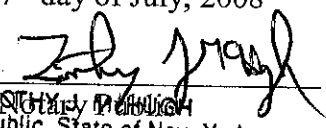
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All Defense Counsel – See Attached Rider

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JOANNE PETERS, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides in Fairfield County, Connecticut.

On July 7, 2008 deponent served the within NOTICE OF REMOVAL upon:

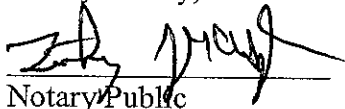
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 Mineola, New York 11501
 PH: 516-248-2750

CLARK EQUIPMENT COMPANY

Lomell, Muccifori, Adler, Ravaschiere, Amabile & Pehlivanian
 John S. Pehlivanian, Esq.
 250 Washington Street
 P.O. Box 787
 Toms River, New Jersey 08754
 PH: 732-349-2443
 FAX: 732-528-4445

LINK-BELT CONSTRUCTION EQUIPMENT COMPANY

Clauss & Sabatini
 Ava Maynard, Esq.
 237 West 35th Street, Suite 1502
 New York, New York 10001
 PH: 212-239-5900
 FAX: 212-279-1265

Occidental Chemical Corporation

Phillips, Lytle, Hitchcock, Blaine & Huber LLP
 Robert E. Glanville, Esq.
 3400 HSBC Center
 Buffalo, New York 14203
 PH: 716-847-8400
 FAX: 716-852-6100

Maremont Corporation and Heidelberg, USA, Inc.

Kasowitz, Benson, Torres & Friedman LLP
 Marc E. Kasowitz
 1633 Broadway
 New York, New York 10019
 PH: 212-506-1700

IMO Industries, E.I. Dupont De Nemours & Co. and

Leader & Berkon
 630 Third Avenue, 17th Floor
 New York, New York 10017
 PH: 212-486-2400
 FAX: 212-486-3099

ABB Lummus Crest, Inc.

Picillo Caruso O'Toole
 60 Route 46 East
 Fairfield, NJ 07004
 PH: 973-667-6000
 FAX: 973-667-1200

Insulation Distributors, Inc.

Damon & Morey, LLP
 1000 Cathedral Place
 298 Main Street
 Buffalo, New York 14202-4096
 PH: 716-856-5500
 FAX: 716-856-5510

The Goodrich Company

Patrick J. Dwyer, Esq.
 Smith, Stratton, Wise, Heher & Brennan, LLP
 2 Research Way
 Princeton, New Jersey 08540
 PH: 609-924-6000
 FAX: 609-987-6651

Buffalo Pumps, Inc.

Edward J. Wilbraham, Esq.

Wilbraham Lawler & Buba
1818 Market Street, Suite 3100
Philadelphia, PA 19103

Great Lakes Dredge & Dock Co.
Freehill, Hogan & Mahar, LLP
80 Pine Street
New York, NY 10005
212-425-1900

**Hamilton Engine Sales, Inc., Goss International
Americas, Inc. and Goss
International, Inc.**
Courtney C. Dippel, Esq.
Holland & Knight
2300 U.S. Bancorp. Tower
111 S.W. Fifth Avenue
Portland, Oregon 97204
503-243-2300

Harris Corporation
O'Hare Parnagian LLP
82 Wall Street, Suite 300
New York, NY 10005-3686

Metropolitan Life Insurance Company
Shehzad Hasan, Esq.
Steptoe & Johnson
750 Seventh Avenue, 19th Floor
New York, NY 10019
212-506-3900
and
Thompson Hine LLP
335 Madison Avenue
12th Floor
New York, NY 10017-4611

The Sager Corporation
Rob C. Tonogbanua, Esq.
Dickie, McCamey & Chilcote, PC
Public Ledger Building, Suite 901
150 South Independence Mall West
Philadelphia, PA 19106-3409
215-925-2289
215-925-0307 (fax)

Empire Ace Insulation Mfg. Corp.
Steve Kevelson, Esq.
One Cozine Avenue
Brooklyn, NY 11207

Eastman Kodak Company
Meghan M. DiPasquale, Esq.
Daniel P. Purcell, Esq.
Ward Norris Heller & Reidy LLP

300 State Street
Rochester, NY 14614

**Mitsubishi Heavy Industries America, Inc.,
Mitsubishi International Corporation, MLP U.S.A., Inc.
a/k/a Mitsubishi Lithographic Pressm. Viad Corp.**
John F. Parker, Esq.
Jeffrey R. Escobar, Esq.
Mound Cotton Wollan & Greengrass
One Battery Park Plaza
New York, NY 10004

Oxy-Dry Corporation
Laura A. Siclari, Esq.
Hoagland, Longo, Moran, Dunst & Coukas
40 Paterson Street
PO Box 480
New Brunswick, NJ 08903

Varn International, Inc.
Margaret L. Mockbee, Esq.
Lewis, Brisbois, Bisgaard, & Smith LLP
199 Water Street, Suite 2500
New York, NY 10038

Shinohara, USA, Inc.
Robert A. Calinoff, Esq.
Calinoff & Katz, LLP
140 E. 45th Street
17th Floor
New York, NY 10017

BMCE, Inc. f/k/a Untied Centrifugal Pump
Art Bromberg, Esq.
L'Abbate, Balkan, COLavita & Contini
7 Regent Street, Suite 711
Livingston, NJ 07039

**Beazer East, Inc. s/h/a Koppers Industries, and
Koppers Industries**
Daniel J. McNamara, Esq.
DeCicco, Gibbons & McNamara, P.C.
14 East 38th
New York, NY 10016

Central Hudson Gas & Electric Corporation
Ruthe A. Nepf, Esq.
Thompson Hine LLP
One Chase Manhattan Plaza, 58th Floor
New York, NY 10005

D.B. Riley, Inc. and Elliott Turbomachiner Co. Inc.
John J. Kot, Esq.
Waters, McPherson & McNeil
300 Lighting Way, 7th Floor

Secaucus, NJ 07096

Mansfield Plumbing Products, LLC

Mintzer Sarowitz Zeris Ledva Meyers
39 Broadway, Suite 950
New York, NY 10006

Adience, Inc., BMI and Premier Refractories, Inc.

Marks, O'Neill, O'Brien & Courtney, P.C.
530 Saw Mill River Road
Elmsford, NY 10523
914-345-3701

**Borden Chemical, Inc., Borden, Inc. and Hexion
Specialty Chemicals, Inc.**

DelBello Donnellan Weingarten Wise & Wiederkehr
One North Lexington Avenue
White Plains, NY 10601

Kone Inc., s/h/a Armour Kone Elevator Co., Inc.

Flynn Hill Elevator Corporation and

Montgomery Kone Inc.

Morison Ansa Holden Assuncao & Prough, LLP
50 Main Street, Suite 1000
White Plains, NY 10606

Unknown

William L. Crow Construction Company

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

Plaintiff(s),

-against-

A.O. SMITH WATER PRODUCTS CO.,
A.W. CHESTERTON COMPANY,
ANCHOR PACKING COMPANY,
AQUA-CHEM, INC.,
BMCE INC.,
f/k/a UNITED CENTRIFUGAL PUMP,
BUFFALO PUMPS, INC.,
BURNHAM, LLC,
Individually, and as successor to
BURNHAM CORPORATION,
BW/IP INTERNATIONAL, INC.,
f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS,
CARRIER CORPORATION,
Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS,
CBS CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,
CERTAIN TEED CORPORATION,
CLEAVER BROOKS COMPANY, INC.,
CRANE CO.,
CRANE PUMPS,
EMPIRE-ACE INSULATION MFG. CORP.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.,
GENERAL MOTORS CORPORATION,
GOULDS PUMPS, INC.,
H.B. FULLER COMPANY,
IMO INDUSTRIES, INC.,
INGERSOLL-RAND COMPANY,
ITT CORPORATION,
J.H. FRANCE REFRACTORIES COMPANY,
KEELER-DORR-OLIVER BOILER COMPANY,
KOHLER CO.,
LESLIE CONTROLS, INC.,
OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PEERLESS INDUSTRIES, INC.,
PREMIER REFRACTORIES, INC.,
f/k/a ADIENCE, INC., f/k/a BMI,

X Index No.: 107498-08

Date Filed: 5/29/08

Plaintiff Designates
NEW YORK
County as the Place of Trial

The Basis of Venue is
Defendants' Place of Business

SUMMONS

NEW YORK
COUNTY CLERK'S OFFICE

MAY 29 2008

NOT COMPARED
WITH COPY FILE

RAPID-AMERICAN CORPORATION,
REYNOLDS METALS COMPANY,

Individually and as successor in interest to ATLANTIC
ASBESTOS CORP.,
THE FAIRBANKS COMPANY,
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,
U.S. RUBBER COMPANY (UNIROYAL),
WARREN PUMPS, INC.,
WEIL-MCLAIN,
a division of THE MARLEY COMPANY,

Defendants.

-----X
To the above named Defendant(s)

You are hereby summoned to answer the **verified** complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, May 29, 2008
New York, New York

Defendant's address:

SEE ATTACHED DEFENDANTS RIDER

WEITZ & LUXENBERG, P.C.
Attorney(s) for Plaintiff
Post Office Address
180 Maiden Lane
New York, New York 10038
(212) 558-5500

DEFENDANTS' RIDER

A.O. SMITH WATER PRODUCTS CO.

11270 West Park Place
Milwaukee, WI 11270

A.W. CHESTERTON COMPANY

Joseph E. Riley
225 Fallon Road
Stoneham, MA 02180

ANCHOR PACKING COMPANY

CT Corporation System
100 Pine Street,
Suite 325
Harrisburg, PA 17101

AQUA-CHEM, INC.

7800 North 113th Street
Milwaukee, WI 53224

BMCE INC.,

f/k/a UNITED CENTRIFUGAL PUMP
Weiner Lesniak LLP
Anna M. DiLonardo
888 Veterans Memorial Highway
Hauppague, NY 11788

BUFFALO PUMPS, INC.

874 OLIVER STREET
N. TONAWANDA, NY 14120

BURNHAM, LLC,

Individually, and as successor to
BURNHAM CORPORATION
1239 Harrisburg Pike
Lancaster, PA 17603

BW/IP INTERNATIONAL, INC.,

f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS
200 South Michigan Avenue
Chicago, IL 60604

CARRIER CORPORATION,

Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS
CT Corporation System
111 8th Avenue
New York, NY 10011

**CBS CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION**

Asbestos Litigation Support Manager
ECKERT SEAMANS CHERIN & MELLOTT, LLC
Case Management & Technology Center
USX Towers
600 Grant Street
Pittsburgh, PA 15219

CERTAIN TEED CORPORATION

CT Corporation System
111 8th Avenue
New York, NY 10011

CLEAVER BROOKS COMPANY, INC.

11950 West Park Place
Milwaukee, WI 11270

CRANE CO.

100 First Stamford Place
Stamford, CT 06902

CRANE PUMPS

CT Corporation System
1300 East Ninth Street
Cleveland, OH 44114

EMPIRE-ACE INSULATION MFG. CORP.

c/o THE SECRETARY OF STATE
41 State Street
Albany, NY 12207

**GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.**

CT Corporation System
111 8th Avenue
New York, NY 10011

GENERAL MOTORS CORPORATION

CT Corporation Systems
111 8th Avenue
New York, NY 10011

GOULDS PUMPS, INC.

240 Fall Street
Seneca Falls, NY 13148

H.B. FULLER COMPANY

Charles Becker, Esq.
Meagher & Geer
4200 Multifoods Tower
33 South Sixth Street
33 South Sixth Street
Minneapolis, MN 55402-3788

IMO INDUSTRIES, INC.

997 Lenox Drive
Suite 111
Lawrenceville, NJ 08648

INGERSOLL-RAND COMPANY

CT Corporation Systems
111 8th Avenue
New York, NY 10011

ITT CORPORATION

CT Corporation System
111 8th Avenue
New York, NY 10011

J.H. FRANCE REFRACTORIES COMPANY

SPECIAL CLAIMS SERVICES, INC.

809 Coshocton Avenue
Suite 1
Mount Vernon, OH 43050-1931

KEELER-DORR-OLIVER BOILER COMPANY

Wayne A. Marvel, Esq.
Maron & Marvel
1300 North Broom Street
Wilmington, DE 19806-4206

KOHLER CO.

HOAGLAND, LONGO, MORAN, DUNST, &
DOUKAS, LLP

Marc S. Gaffrey, Esq.
40 Patterson Street
New Brunswick, NJ 08903

LESLIE CONTROLS, INC.

12501 Telecom Drive
Tampa, FL 33637

OAKFABCO, INC.

705 McKnight Park Drive
Pittsburgh, PA

OWENS-ILLINOIS, INC.

One Michael Owens Way
Perrysburg, OH 43551

LAW OFFICES
OF
WEITZ
&
LUXENBERG, P.C.
180 MAIDEN LANE
NEW YORK, N.Y. 10038

PEERLESS INDUSTRIES, INC.

Carol Martindell
McGivney & Kluger, P.C
23 Vreeland Road, Suite 220

Florham Park, NJ 07932

PREMIER REFRACTORIES, INC.,

f/k/a ADIENCE, INC., f/k/a BMI
Special Claims Services, Inc.
809 Coshocton Avenue, Suite 1
Attention: Donald E. Ward, President
Mount Vernon, OH 43050

RAPID-AMERICAN CORPORATION

2711 Centerville Road
Wilmington, DE 19808

REYNOLDS METALS COMPANY,

Individually and as successor in interest to ATLANTIC ASBESTOS CORP.
Lori Elliott Guzman, Esq.
HUNTON & WILLIAMS
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

THE FAIRBANKS COMPANY

CT Corporation System (GA)
1201 Peachtree Street NE
Atlanta, GA 30361

TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.

Michele Corcoran, New Filings Manager
c/o PACE
1009 Lenox Drive, Bldg 4 Suite 101
Lawrenceville, NJ 08648

U.S. RUBBER COMPANY (UNIROYAL)

c/o Frank Degrim, Esq.
GREENFIELD, STEIN & SENOIR
600 Third Avenue, 11th Floor
New York, NY 10016-1903

WARREN PUMPS, INC.

82 Bridges Avenue
Warren, MA 01083

WEIL-MCLAIN,

a division of THE MARLEY COMPANY
500 Blaine Street
Michigan City, IN 46360

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DONALD WOLF and DOROTHY WOLF,

Index No.:

Date Filed:

Plaintiff(s),

-against-

**VERIFIED
COMPLAINT**

A.O. SMITH WATER PRODUCTS CO.,
A.W. CHESTERTON COMPANY,
ANCHOR PACKING COMPANY,
AQUA-CHEM, INC.,
BMCE INC.,
f/k/a UNITED CENTRIFUGAL PUMP,
BUFFALO PUMPS, INC.,
BURNHAM, LLC,
Individually, and as successor to
BURNHAM CORPORATION,
BW/IP INTERNATIONAL, INC.,
f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS,
CARRIER CORPORATION,
Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS,
CBS CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,
CERTAIN TEED CORPORATION,
CLEAVER BROOKS COMPANY, INC.,
CRANE CO.,
CRANE PUMPS,
EMPIRE-ACE INSULATION MFG. CORP.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.,
GENERAL MOTORS CORPORATION,
GOULDS PUMPS, INC.,
H.B. FULLER COMPANY,
IMO INDUSTRIES, INC.,
INGERSOLL-RAND COMPANY,
ITT CORPORATION,
J.H. FRANCE REFRACTORIES COMPANY,
KEELER-DORR-OLIVER BOILER COMPANY,
KOHLER CO.,
LESLIE CONTROLS, INC.,
OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PEERLESS INDUSTRIES, INC.,
PREMIER REFRACTORIES, INC.,
f/k/a ADIANCE, INC., f/k/a BMI,
RAPID-AMERICAN CORPORATION,

REYNOLDS METALS COMPANY,

Individually and as successor in interest to ATLANTIC
ASBESTOS CORP.,

THE FAIRBANKS COMPANY,

TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,

U.S. RUBBER COMPANY (UNIROYAL),

WARREN PUMPS, INC.,

WEIL-MCLAIN,

a division of THE MARLEY COMPANY,

Defendants.

X

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys
WEITZ & LUXENBERG, P.C., upon information and belief, at all times hereinafter mentioned
alleges as follows:

1. Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys,
WEITZ & LUXENBERG, P.C., for their **verified complaint** respectfully alleges:

2. Defendant AQUA-CHEM, INC., was and still is a duly organized
domestic corporation doing business in the State of New York.

3. Defendant AQUA-CHEM, INC., was and still is a duly organized foreign
corporation doing business and/or transacting business in the State of New York and/or should
have expected its acts to have consequences within the State of New York.

4. Defendant BUFFALO PUMPS, INC., was and still is a duly organized
domestic corporation doing business in the State of New York.

5. Defendant BUFFALO PUMPS, INC., was and still is a duly organized
foreign corporation doing business and/or transacting business in the State of New York and/or
should have expected its acts to have consequences within the State of New York.

6. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER
INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly
organized domestic corporation doing business in the State of New York.

7. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

8. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized domestic corporation doing business in the State of New York.

9. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

10. Defendant CRANE PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

11. Defendant CRANE PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

12. Defendant IMO INDUSTRIES, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

13. Defendant IMO INDUSTRIES, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

14. Defendant ITT CORPORATION, was and still is a duly organized domestic corporation doing business in the State of New York.

15. Defendant ITT CORPORATION, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

16. Defendant LESLIE CONTROLS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

17. Defendant LESLIE CONTROLS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

18. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized domestic corporation doing business in the State of New York.

19. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

20. Defendant WARREN PUMPS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

21. Defendant WARREN PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, repeats and realleges NYAL - WEITZ & LUXENBERG, P.C. STANDARD ASBESTOS COMPLAINT FOR PERSONAL INJURY No. 7 as if fully incorporated herein as it pertains to the defendants in the aforementioned caption.

Dated: *May 29, 2008*
New York, New York

Yours, etc.,

WEITZ & LUXENBERG, P.C

Attorneys for Plaintiff(s)
180 Maiden Lane
New York, NY 10038
(212) 558-5500

LAW OFFICES
OF
WEITZ
&
LUXENBERG, P.C.
180 MAIDEN LANE
NEW YORK, N.Y. 10038

STATE OF NEW YORK)

SS:

COUNTY OF NEW YORK)

The undersigned, an attorney admitted to practice in the Courts of New York State,
shows:

Deponent is an Associate of the firm WEITZ & LUXENBERG, P.C., Counsel for the
plaintiff(s) in the within action; deponent has read the foregoing **summons and verified
complaint** and knows the contents thereof; the same is true to deponent's own knowledge, except
as to the matters therein stated to be alleged on information and belief, and that as to those
matters deponent believes it to be true. This verification is made by deponent and not by
plaintiff(s) because plaintiff(s) resides outside of the County of New York where plaintiffs'
counsel and deponent maintain their office.

Dated: May 28, 2008
New York, New York



CHRIS ROMANELLI

Index No.: *07 498-08*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

Plaintiff(s),

-against-

A.O. SMITH WATER PRODUCTS CO., et. al.,

Defendants.

SUMMONS and COMPLAINT

WEITZ & LUXENBERG, P.C.
Attorneys for PLAINTIFFS
180 Maiden Lane
New York, NY 10038
212-558-5500

To
Attorney(s) for

Service of a copy of the within
is hereby admitted.

Dated, May 29, 2008

.....
Attorney(s) for

EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DONALD WOLF and DOROTHY WOLF

Index No. 107498-08

Plaintiffs;

-against-

PLAINTIFFS' RESPONSE TO
DEFENDANTS' FOURTH
AMENDED INTERROGATORIES
AND REQUEST FOR
PRODUCTION OF DOCUMENTS

A.O. SMITH WATER PRODUCTS, et al.,

Defendants.
-----X

Plaintiffs, by and through their attorneys, in response to the Fourth Amended Standard Set of Interrogatories and Request for Production of Documents propounded by the defendants, pursuant to C.P.L.R. ARTICLE 31 and the Order of the Honorable Helen Freedman, allege as follows:

LAW OFFICES
OF
WEITZ
&
LUXENBURG, P.C.
180 MAIDEN LANE
NEW YORK, N.Y. 10038

INTERROGATORIES

1. State the following:
- (a) your full name, and all other names by which you have been known;
 - (b) age, and date and place of birth;
 - (c) whether you were an adopted child;
 - (d) present marital status, date of current marriage, spouse's maiden name, dates of any prior marriages and the names of any prior spouses, if applicable;
 - (e) present home address; and
 - (f) social security number.

ANSWER:

- (a) Name: Donald Wolf, a/k/a "Red" or "Big Red".
- (b) Age: 83 years old.
Date of birth: Jan. 17, 1925.
Place of birth: Queens, New York.
- (c) Adopted/natural child: Natural child.
- (d) Present marital status: Married, Dorothy Kugler, 1/26/47.
- (e) Present home address: 85 Areland Ave, Bangor, PA
- (f) Social Security Number: 077-18-9499.

2. State the following with regard to your father and mother:
- (a) names;
 - (b) current address (if deceased, state last known address);
 - (c) the current condition of each one's health, including any specific medical problems.
If either of your parents are deceased, please state for each deceased parent:
 - i. specific physical problems;
 - ii. date and place of death;
 - iii. age and cause of death for each parent.

ANSWER:

Mother:

- (a) Name: Elsie Wolf.
- (b) Current address: Deceased; Queens, New York
- (c) Current health condition/specific physical problems: Deceased
 - (i) Specific physical problems: None.
 - (ii) Date of Death: Approx. 1949; Place of Death: Queens, NY.
 - (iii) Age at Death: 58 years old.
Cause of Death: Natural causes.

Father:

- (a) Name: Charles Wolf.
- (b) Current address: Deceased; Pittsfield MA.
- (c) Current health condition/specific physical problems: Deceased
 - (i) Specific physical problems: None.
 - (ii) Date of Death: 1980s; Place of Death: Pittsfield, MA.

(iii) Age at Death: 74 years old.
Cause of Death: Natural causes.

3. State the following with regard to each of your children:
- (a) full name;
 - (b) the date of birth;
 - (c) sex;
 - (d) current address (if deceased, state the last known address);
 - (e) social security number;
 - (f) whether birth child or adopted child;
 - (g) current state of each one's health. If any of your children are deceased, state for each deceased child:
 - i. specific physical problems;
 - ii. date and place of death; and
 - iii. age and cause of death for each child.

ANSWER:

- i. (a) Full name: Donelle Denry.
(b) Date of birth: 1954.
(c) Sex: Female.
(d) Current address: Bethel, PA.
(e) Social Security Number: To be provided.
(f) Adopted/Natural: Natural.
(g) Current state of one's health: Good health.

4. State the complete address of all places you have resided since birth giving the inclusive dates of residence for each place named and as to each state:
- (a) fuel used for heating and cooking;
 - (b) significant home improvements (e.g., additions, reinsulation, re-wiring, etc.);
 - (c) number of family units co-occupying said structure.

ANSWER: Plaintiff has lived in the following residences:

- i. Address: See 1(e).
Dates: Approximately 1999-present.
(a) Fuel used for heating/cooking: Oil heating and elec. cooking.
(b) Significant home improvements: None recalled.
(c) Number of family units: Single family home.
- ii. Address: 75 C Mamalahoa Hy
Holualoa, HI 96725
Dates: Approximately 1989-1999.

- (a) Fuel used for heating/cooking: Gas heating and elec. cooking.
 - (b) Significant home improvements: None recalled.
 - (c) Number of family units: Single family home.
- iii. Address: 228 Rd. E. Nassau
Dates: Approximately 1958-1989.
 - (a) Fuel used for heating/cooking: oil heating and elec. cooking.
 - (b) Significant home improvements: None recalled.
 - (c) Number of family units: Single family home.
- iv. Address: 117-06 89th Ave. Richmond Hill NY.
Dates: Approximately 1947-1958.
 - (a) Fuel used for heating/cooking: oil heating and elec. cooking.
 - (b) Significant home improvements: None recalled.
 - (c) Number of family units: Single family home.
- v. Address: 120-05 87th Avenue, Richmond Hill, NY.
Dates: Approximately Childhood-1947.
 - (a) Fuel used for heating/cooking: oil heating and elec. cooking.
 - (b) Significant home improvements: None recalled.
 - (c) Number of family units: Single family home.

5. For every physician or other health care provider whoever tested, treated, consulted with or examined you up to and including the present date, for any reason whatsoever, please state the following separately as to each:
- (a) name and address of physician or health care provider and, if ongoing, the approximate frequency of said treatment and services; (b) date(s) of test, examination and/or treatment; (c) symptoms complained of at the time, if any;
 - (d) any diagnosis made;
 - (e) treatment or examination given and reason for treatment or examination; and (f) any drugs or medications prescribed.

ANSWER: At the present time, Plaintiff is aware of the following doctors and treatment rendered:

Physicians:

- i. (a) Name: Dr. Lasso, primary care physician.
Mt. Bethel Plaza, PA
(b-f) See medical records. Authorization will be provided to RecordTrak.
- ii. (a) Name: Dr. Volk, oncologist

Allentown, PA

(b-f) See medical records. Authorization will be provided to RecordTrak.

iii. (a) Name: **Dr. Burfeind, surgeon.**

St. Lukes Hosp., E. Stroudsburg, PA

(b-f) See medical records. Authorization will be provided to RecordTrak.

iv. (a) Name: **Dr. Fedani, pulmonologist.**

447 Plaza E. Stroudsburg, PA.

(b-f) See medical records. Authorization will be provided to RecordTrak.

6. For every hospital, clinic or health care institution in which you have ever been admitted, treated, tested, or examined, whether as an "in-patient" or as an "out-patient," please state the following for each such visit:

(a) name and address of the facility;

(b) dates and description of test, treatment, examination or hospitalization and, if ongoing, the approximate frequency of said treatment and services; and

(c) reason for visit to the facility.

ANSWER: At the present time, Plaintiff is aware of the following institutions and treatment rendered (although it is possible that Plaintiff may have been treated or examined in other institutions):

Hospitals/ Facilities:

i. (a) Hospital: **St. Lukes Hosp., E. Stroudsburg, PA**

(b) Date: **2007/2008.**

Description of test, treatment, examination: Surgery; biopsy performed; Films taken; All were in connection with plaintiff's mesothelioma. For further details see medical records; Authorization will be provided to RecordTrak

(c) Reason for visit: See (b) above.

7. State each of your asbestos-related injuries and/or diseases, describe the nature of those symptoms that you contend are related to your asbestos-related condition(s), and state the date when you first experienced each such symptom and the date of diagnosis and the name of any diagnosing physician and, if different, indicate the date you first became aware of the diagnosis.

ANSWER: Plaintiff has sustained a number of asbestos-related injuries, including:

- **Mesothelioma;**
- **Respiratory discomfort;**
- **Shortness of breath;**
- **Fatigue and weakness;**
- **Emotional and psychological distress;**
- **Depression;**
- **Anxiety;**

- **Loss of interest and ability to partake in daily and recreational activities;**
- **Loss of intimacy.**

8. Describe any pain, incapacity, inability to lead a normal life, inability to work, or disability (including retirement) alleged to have resulted from your medical conditions), including the date and basis therefor.

ANSWER: Beginning in approximately August 2007 Plaintiff began to experience shortness of breath and fatigue. Since that time Plaintiff's symptoms include increasing shortness of breath, increasing fatigue and weakness, respiratory discomfort, loss of interest and ability to partake in daily and recreational activities, depression, anxiety, and emotional and psychological distress.

9. Have you ever had any biopsies or tissue samples taken? If so, please state for each such procedure:

- (a) the name of the physician performing such procedure;
- (b) the address where such procedure was performed;
- (c) the date when such procedure was performed; and
- (d) the results, conclusions, and/or diagnosis arising from such procedure.

ANSWER: See response to Interrogatory No. 7.

10. Have you ever had any chest x-rays, CT Scans and/or pulmonary function tests? If so, state:

- (a) the dates and places;
- (b) the reasons;
- (c) the results and/or diagnosis resulting therefrom;
- (d) the location of all chest X-ray films and CT Scans; and
- (e) provide appropriate authorization to obtain all X-rays, CT Scans and pulmonary function tests.

ANSWER: See response to Interrogatory No. 7.

11. Have you ever been exposed to, used, inhaled or ingested any of the following substances on a regular basis or at work. If so, state the date(s), place(s), and circumstances thereof.

- (a) acids
- (b) aluminum
- (c) arsenic
- (d) barium
- (e) beryllium
- (f) butanol
- (g) cadmium
- (h) carborundum
- (i) chloroethylene
- (j) chlorine
- (k) chromate
- (l) chromite

- (m) chromium
- (n) coal dust (coal)
- (o) coal tar
- (p) cotton dust
- (q) epoxy
- (r) ethanol
- (s) grinding dust
- (t) iron
- (u) isocyanates
- (v) isopropanol
- (w) lead
- (x) live chickens
- (y) manganese
- (z) nickel
- (aa) nitrogen dioxide
- (ab) nuclear radiation
- (ac) ozone
- (ad) petroleum distillates
- (ae) phosgene
- (af) radiation
- (ag) silica
- (ah) titanium
- (ai) toluene
- (aj) welding smoke or fumes
- (ak) zylene
- (al) zinc.

ANSWER: Plaintiff is unaware of any exposure to these substances on a regular basis.

12. Do you use or have you ever used cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco substance, from birth to the present time? If so, state the following:

- (a) the brand and type of tobacco product(s) used (e.g., filter, non-filter, chewing tobacco);
- (b) the dates during which you used each such product;
- (c) the amount of the product used per day, during each period of time (e.g., 2 packs of cigarettes per day);
- (d) whether you have ever been told by a physician that you are or were suffering from any disease or illness caused by or contributed to by tobacco; and
- (e) whether you were ever advised by any physician or any other person that use of tobacco products could adversely affect your health and whether you were ever advised to stop using tobacco products, and if so, identify each physician or person who gave you any such advice, the dates on which the advice was given, and state exactly what, if anything, you did in response to that advice.

ANSWER: Plaintiff smoked Pall Mall cigarettes from approximately 1940 until 1973. He smoked up to 2 packages per day at the time he quit.

13. For each spouse and member of your household, from your birth to the present time, state whether they use or have ever used cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco substance, and if so, state the following:
- (a) the brand and type of tobacco product(s) used (e.g., filter, non-filter, chewing tobacco); and
 - (b) the dates during which they used each such product

ANSWER: Plaintiff's family members smoked periodically during his life.

14. Do you presently consume or have you in the past consumed alcoholic beverages. If so, state the following:
- (a) the type of alcoholic beverages consumed;
 - (b) the dates during which you consumed each such alcoholic beverage;
 - (c) the amount of such beverage you consumed each day; and
 - (d) whether you have ever been treated for any illness or disease related to your consumption of alcoholic beverages.

ANSWER: Plaintiff consumes and has consumed an occasional alcoholic beverages on social occasions. He has never been advised to stop

15. Have you ever been a member of the Armed Forces of the United States? If so, state the following:
- (a) the branch of the service, serial number, and highest rank held;
 - (b) the beginning and ending dates of your military service;
 - (c) the type of discharge that you received; and
 - (d) whether you sustained any injuries or incurred any illness during military service.
 - (e) if you received a medical discharge, attach a copy hereto and set forth the medical reasons.

ANSWER:

- (a) Branch: United States Navy; 777-85.
- (b) Years: From 1943-1946.
- (c) Discharge: Honorable. Authorization will be provided to RecordTrak.
- (d) Injury/Illness: Authorization will be provided to RecordTrak.
- (e) Medical Discharge: No.

16. As to each and every employer (including military service) you have had from the time you were first employed to the present, set forth the following:

Include on the Chart all employers where you have worked, and all job sites, regardless of whether or not you believe you were exposed to asbestos during the employment. Also, include the source of any product identification information provided on Chart A.

ANSWER: See attached Chart A; Defendants are also directed to Plaintiff's Social Security Earnings Information, authorization for which has been provided to RecordTrak.

17. Please state the following with respect to each Asbestos-Containing Product identified on Chart A:

- (a) the color, dimensions, shape, form, texture, weight, appearance and flexibility of each product;
- (b) the appearance of the package or container indicating the manner of packaging, size, dimensions, color and weight; and
- (c) the name, logo, label, numerical and alphabetical markings and other markings or words including warnings on the product and package or container.

ANSWER: (a-c) Plaintiff was exposed to a variety of different asbestos-containing products during his course of employment and Navy service as indicated on the attached Work History Sheet (Chart "A").

18. If you have retired from your employment, set forth the following:

- (a) whether said retirement was voluntary or involuntary;
- (b) the effective date of said retirement;
- (c) the name of your employer at the time of retirement;
- (d) the reason for your retirement;
- (e) whether your retirement was related to any claimed asbestos-related injury; and
- (f) the amount of pension and/or retirement benefits you are receiving or entitled to receive.

ANSWER:

- (a) Retired: Voluntary.
- (b) Date: 1985.
- (c) Employer: General Electric Co.
- (d) Reason: Wanted to retire.
- (e) Asbestos related: No.
- (f) Pension/Retirement benefits: To be provided, if relevant.

19. State whether you were exposed (either directly, through a co-worker or otherwise), to any Bankrupt Entity's Asbestos-Containing Materials, or products either mined or manufactured, sold, or distributed by a Bankrupt Entity. If so, state the following:

(a) As to each and every employer (including military service) you have had from the time you were first employed to the present, set forth the following, concerning Bankrupt Entities' products only:

- i. Name of employer;
- ii. Dates of employment;
- iii. Asbestos-related jobsite and address where Bankrupt Entity's products were being used;
- iv. Dates you were at the jobsite;
- v. Job duties at the particular jobsite;
- vi. Bankrupt Entity's asbestos-containing materials or products to which you were exposed;
- vii. Other companies using Bankrupt Entity's asbestos-containing materials or products at the jobsite; and

viii. Whether you received any warnings with respect to the use of said product and the nature of those warnings.

(b) If you were exposed to, used, ingested or inhaled any Bankrupt Entity's Asbestos-Containing Products at any time other than in the scope of your employment, state for each such exposure:

- i. the date, location and circumstances; and
- ii. the type of product and the name of the manufacturer, distributor, and miner.

ANSWER: Plaintiff has not filed any bankruptcy claims at this time.

20. If you were exposed to, used, ingested or inhaled asbestos or Asbestos-Containing Products at any time other than in the scope of your employment, state for each such exposure:

- (a) the date, location and circumstances; and
- (b) the type of product and the name of the manufacturer, distributor, and miner.

ANSWER: No.

21. Have you ever been a member of any labor union? If so, state:

- (a) the name and address of each local, national and international labor union;
- (b) the inclusive dates of your membership; and
- (c) any positions you have held with each such labor union, and the dates during which you held such positions.

ANSWER: (a-c) No.

22. State whether you have ever seen or received any information, instruction, direction, warning, or directive, from any source whatsoever, concerning alleged dangers of exposure to asbestos or Asbestos-Containing Products, and if so, identify:

- (a) each such warning, directive, notification, direction, instruction, or information;
- (b) the means by which such was given to you;
- (c) the source and the date on which it was received by you; and
- (d) your response or reaction, including any complaints made or changes in work habits.

ANSWER: Plaintiff never received any such warnings or directives.

23. State whether you had available for use during any period of your employment, respirators or masks or other dust inhalation inhibitor, or protective gear and, if so, state the following:

- (a) the period of time during which said items were available;
- (b) what instructions were given with regard to the use of each of said items;
- (c) whether you used said items and the dates of your use;
- (d) whether you ever requested said items, and, if so, when, where and to whom the request was made, and the response to the request.

ANSWER: Plaintiff does not recall safety equipment being available.

24. If you are making a claim for loss of earnings or impairment of earning power because of your medical conditions, state the following:

- (a) date of commencement of any loss or impairment;
- (b) the name and address of your employer, your job title and your monthly or weekly rate of pay at the time of the alleged commencement of any loss or impairment;
- (c) if you had more than one employer during the three year period prior to the date of the commencement of any loss or impairment, as indicated on Chart A, provide your monthly or weekly rate of pay and inclusive dates of such employment during the three year period;
- (d) your total earnings for the period of three years prior to the commencement of any loss or impairment;
- (e) the inclusive dates during which you allege that you were unable to work as a result of any loss or impairment and the total amount of pay you claim you lost because of this absence;
- (f) the date on which any loss or impairment ended; and
- (g) your monthly or weekly rate of pay which you have received, from the date of any loss or impairment ended through the present time.

ANSWER: Not applicable.

25. Do you claim damages for loss of consortium, society, affection, services, or sexual enjoyment? If so, please set forth in complete detail all facts on which this claim is based, including a complete description of the loss suffered.

ANSWER: Plaintiff Dorothy Wolf claims loss of consortium, society, affection, services, and sexual enjoyment. Plaintiffs are in the process of collecting relevant information and will forward such information to the defendants.

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26. For each person who is or was partially or totally dependent upon you for financial support and assistance during the last ten years, state:

- (a) the name, address, sex, age and relationship; and
- (b) the amounts you contributed during the last ten years for support and assistance.

ANSWER:

(a) --(b) Plaintiff has provided total financial support to his wife, during the entire marriage.

27. State, in the form of an itemized list, all special damages alleged in this lawsuit including, but not limited to, hospital charges, medical charges, medicines, lost wages, etc., naming the person or organization to whom each item of expense was paid or is due, and, if paid, by whom each item of expense was paid.

ANSWER: Plaintiff is presently coordinating this information, which will be forwarded upon receipt.

28. Identify and give the substance of all written statements, recordings, or videotapes which relate to the facts of this lawsuit and the damages you claim given by plaintiff or any witness (provided such information is in plaintiff's possession, custody or control and/or such statements, recordings or videotapes are not protected by the attorney-client privilege) in the above-captioned matter.

ANSWER: Plaintiff is not currently in possession of any such materials.

29. Have you ever made any claim for, or received any, health or accident insurance benefits, social security benefits, state or federal benefits for disabilities, workers' compensation benefits, veterans' benefits, tort claims or suits, Federal Employers Liability Act claims or suits, Longshoremen and Harbor Workers Act claims or suits, unemployment compensation insurance benefits, or early payment from any public or private pensions due to disability or your medical condition? If so, state the following:

- (a) the date and place where each such claim was made;
- (b) the name and nature of the entity with which the claim was made;
- (c) any identifying number, such as a docket or petition number, for each claim;
- (d) the defendant, agency, insurer, employer or other entity to or against whom the claim was made and its file number;
- (e) the nature of the claim;
- (f) whether you were examined by a physician and if so, the name and address of that physician;
- (g) the result of such claim, including the amount realized by way of settlement, judgment or award upon the claim;
- (h) the name and address of any attorney who represented you with regard to such claims; and
- (i) whether you are presently receiving such benefits.

ANSWER: Not applicable.

30. State the following with regard to your asbestos-related legal action:
- (a) Did you file an asbestos-related claim in more than one (1) jurisdiction;
 - (b) Identify all of the jurisdiction(s) where an asbestos-related claim has been filed (whether or not these claims have been dismissed or discontinued or otherwise resolved) on your behalf;
 - (c) Did you file your asbestos-related claim(s) under more than one (1) Index Number; and
 - (d) Provide all of the Index Numbers for all of your asbestos-related claim(s), including all multiple Index Numbers for claims filed in New York County.

ANSWER: No.

31. State whether or not you have made, filed, or submitted a Claim Against Bankrupt Entity or received funds in settlement from a Bankrupt Entity. If so, for each claim state the following:
- (a) the date and place where each such claim was made;
 - (b) the name and nature of the entity with which the claim was made;
 - (c) any identifying number, such as a docket or petition number, for each claim;
 - (d) the defendant, agency, insurer, employer or other entity to or against whom the claim was made and its file number;
 - (e) the nature of the claim;
 - (f) whether you were examined by a physician and if so, the name and address of that physician; and
 - (g) whether you received any compensation as a result of such claim, but not the amount.

ANSWER: Plaintiff has not made any such claims at this time.

32. State whether you have applied to any Bankrupt Entity or Bankruptcy Court to lift the stay as to your claim or otherwise have attempted to join a Bankrupt Entity to this action.

ANSWER: No.

33. Have you or your spouse ever been a party to or a witness in any lawsuit, court or administrative proceeding? If so, please state:
- (a) whether you or your spouse were a party or witness and if party, whether plaintiff or defendant;
 - (b) the precise name of the lawsuit or proceeding, the court agency in which it was brought and the docket number;
 - (c) the nature of the charges or claims and, if you or your spouse were a witness, the subject matter of the testimony; and
 - (d) the disposition of the case.

ANSWER: On occasion, plaintiff has testified for General Electric in several commercial disputes.

34. Have you or your spouse filed a claim seeking compensation for any alleged asbestos-related condition from any entity, including settlement trusts? Specify "Yes" or "No" only.

ANSWER: No.

35 Identify all entities, whether or not parties to this lawsuit, with whom you have settled or agreed to settle this lawsuit.

ANSWER: Plaintiff has not yet resolved his case with any entities.

36. Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories, and state the particular information each person supplied.

ANSWER: No one.

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REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Section VIII (B)(2)(b) of the C.M.O., the defendants request that plaintiffs produce for inspection and copying, the documents and things identified below. The documents and things identified herein shall be produced for inspection and copying at such time as the answers to the interrogatories herein are filed. The following requests include, but are not limited to, documents that relate to Bankrupt Entities.

You are hereby requested to produce the following documents and things:

1. All documents identified in your answers to these interrogatories.

ANSWER: Plaintiff relied on various medical records, authorizations for which have been provided to Record Trak. In addition, see responses to request numbers "2" and "6" below.

2. All documents relating to the plaintiff's job qualifications and professional licenses held.

ANSWER: Plaintiff is not in possession of any such documents. Authorizations for employment records have been forwarded to RecordTrak.

3. All documents relating to the plaintiff's membership in any labor trade association or professional organization.

ANSWER: Authorizations will be provided to RecordTrak.

4. All documents relating to the plaintiff's military or foreign service, including and not limited to, personnel records, discharge papers, military occupational specialty qualifications, promotions, reductions or disciplinary actions.

ANSWER: Authorizations will be forwarded to RecordTrak.

5. All documents relating to any claim or demand ever made by the plaintiff or the plaintiff's decedent for damages, compensation or other benefits allegedly resulting from any illness or injury, including but not limited to, Claims Against Bankrupt Entities, Industrial Accident Board records, social security disability claim records, federal or state employment compensation claim records, social disability records, pension claim record or any other health or accident insurance claim records.

ANSWER: Not applicable.

6. All documents in plaintiff's possession, custody or control relating in any way to the plaintiff's exposure or possible exposure to asbestos, Asbestos-Containing Products and/or Asbestos-Containing Materials.

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ANSWER: Any documents Plaintiffs intend to use will be identified in accordance with the Case Management Order.

7. All documents in plaintiff's possession, custody or control relating in any way to the plaintiff's or the plaintiff's decedent's exposure or possible exposure to silica, acids, beryllium, nuclear radiation, ammonia, cadmium, chlorine, chromate, phosgene, grinding dust, coal dust, cotton dust, nickel, welding smoke or fumes.

ANSWER: Plaintiff is unaware of any such exposures but nonetheless is not in possession of any such documents.

8. All documents, of which you have ever become aware, relating in any way to warnings, potential health hazards, instructions or precautions regarding the use or handling of, or exposure to, asbestos, Asbestos-Containing Products, and/or Asbestos-Containing Materials.

ANSWER: Plaintiff is not in possession of any such documents.

9. All applications prepared or submitted by or on behalf of the plaintiff's for life insurance, medical insurance, health and accident insurance, and/or disability insurance.

ANSWER: Plaintiff is not in possession of any such documents.

10. All statements, recorded interviews, films, videotapes, reports, questionnaires, forms or other documents made, submitted, compiled, prepared or filled out by, on behalf of, or under the direction of, plaintiff relating in any way to exposure or alleged exposure to asbestos, Asbestos-Containing Products and/or Asbestos-Containing Materials or any other issues relating to this lawsuit except that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between plaintiff and counsel, made after an attorney-client relationship has been established, and attorney work product, need not be produced or identified.

ANSWER: Plaintiff's Exhibit List and List of Deposition Testimony will identify all photographs, films, movies or video recordings that Plaintiff intends to use at trial pursuant to applicable sections of the New York C.P.L.R.

11. All records in plaintiff's possession, custody or control relating to comments, complaints, suggestions, or proposals made to your employer or your union, by yourself or by other employees or union members regarding asbestos exposure.

ANSWER: Plaintiff is not in possession of any such records.

12. All written, recorded, filmed, transcribed or videotaped statements of all parties and non-party declarants pertaining to the subject of this lawsuit, except that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication

between plaintiff and counsel made after an attorney-client relationship has been established and attorney work product need not be produced or identified.

ANSWER: Plaintiff's Exhibit List and List of Deposition Testimony will identify all photographs, films, movies or video recordings that Plaintiff intends to use at trial pursuant to applicable sections of the New York C.P.L.R.

13. All photographs of the plaintiff or the plaintiff's decedent at work or in work clothes and all photographs of all products or conditions complained of in the plaintiff's or the plaintiff's decedent's place of employment.

ANSWER: Plaintiff is not presently in possession of any such photographs.

14. Copies of all itemized bills covering all the special damages and losses and expenses claimed in this matter.

ANSWER: To be provided, if located.

15. Copies of all reports, correspondence and records from any doctor who has examined the decedent, any hospital where the decedent has been treated either as an inpatient or as an outpatient, except for any reports, records, correspondence, or communications issued by any consulting physicians who have been retained or specially employed in anticipation of litigation or preparation for trial and who are not expected to be called as a witness at trial.

ANSWER: Appropriate medical authorizations will be provided to RecordTrak.

16. All tissue specimens, tissue slides, and x-ray films and CT scans pertaining to the plaintiff.

ANSWER: Authorizations will be provided to RecordTrak.

17. Copies of plaintiff's income tax returns for the last ten years of plaintiff's employment and up to the current year as well as any other documents, including economic loss reports, upon which plaintiff relies in support of his claims. If loss of earnings or earning capacity is alleged or claimed to have occurred before the current year, include copies of the income tax returns of the plaintiff from ten years prior to the claimed loss and up to the current tax year.

ANSWER: Not applicable - Plaintiff retired in 1996. Authorization will not be provided.

18. Any asbestos and/or Asbestos-Containing Products or product packaging of the type to which the plaintiff alleges exposure and which the plaintiff has in his possession, custody or control.

ANSWER: Plaintiff is not in possession of any such materials.

19. All photographs, charts, drawing, diagrams or other graphic representations depicting work conditions at work sites where the plaintiff claims the plaintiff was exposed to asbestos or Asbestos-Containing Products.

ANSWER: Plaintiff is not in possession of any such materials.

20. All invoices, bills, statements and any other writings or records which the plaintiff contends evidence the sale of any Asbestos-Containing Products to the place of the plaintiff's or plaintiff's decedent's employment at which plaintiff claims that plaintiff or plaintiff's decedent was exposed to asbestos. This does not include documents in the possession, custody or control of plaintiff's attorney unless such documents were provided by plaintiff to his/her attorney and are not privileged.

ANSWER: See response to item no. "6"

21. Any written advice, publication, warning, order, directive, requirement, or recommendation, which advised or warned of the possible harmful effects of exposure to or inhalation of asbestos or Asbestos-Containing Products in the products in the possession, custody or control of the plaintiff.

ANSWER: Plaintiff is not in possession of any such materials.

22. Any accident or incident reports which relate to the facts, circumstances or incidents which form the basis of plaintiff's complaint.

ANSWER: Plaintiff is not in possession of any accident or incident reports.

Dated: New York, New York
May 28, 2008

Respectfully submitted,

WEITZ AND LUXENBERG, PC
Attorneys for Plaintiffs
80 Maiden Lane, 17th Floor
New York, NY 10038

By: 

Chris Romanelli, Esq.

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EXHIBIT A

Bankrupt Entity includes, without limitation: UNR Industries, Inc., Johns-Manville Co., Amatex Corp., Waterman Steamship Corp., Wallace & Gale Co., Forty-Eight Insulations, Inc., PACOR, Prudential Lines, Inc., Standard Insulations, Inc., US Lines, Nicolet, Inc., Gatke Corp., Chemetron Corp., Raytech, Delaware Insulations, Celotex Corp., Hillsborough Holdings, National Gypsum Co., Standard Asbestos Mfg. & Insul., Eagle-Picher, H.K. Porter Co., Cassiar Mines, Keene Corp., American Shipbuilding, Inc., Lykes Brothers Steamship, Rock Wool Mfg., SGL Carbon, M.H. Detrick, Brunswick Fabricators, Fuller-Austin Insul., Harnischfeger Corp., Joy Technologies, Rutland Fire & Clay, Babcock & Wilcox, Pittsburgh Corning, Burns & Roe Enterprises, E.J. Bartells, Owens Corning, Armstrong World Industries, G-1 Holdings (GAF Corp.), W.R. Grace, Skinner Engine Co., USG (US Gypsum) Corp., Federal Mogul, Eastco Industrial Safety Corp., Washington Group Int'l, Inc., Bethlehem Steel, North American Refractories, Kaiser Aluminum, Plibrico Refractories, Porter-Hayden, American Club, Huxley Development Corp., Harbison-Walker Refractories Co., Continental Producers Corp., A.P. Green Indus., Shook & Fletcher, Atra Group, Inc. (Synkoloid), and ACandS, Inc; C.E. Thurston.

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Donald Wolf

CHART A

JOBSITE-SPECIFIC EXPOSURE HISTORY

Name of Employer	Dates of Employment	Asbestos-related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM* Used Personally	Other ACM to Which You Were Exposed**	Other Workers on Jobsite, including supervisor	ACM Identified by Such Other Workers	Other Companies Using ACM at Job Sites
United States Navy,	1943-1946	LCI(G)-455	1943-1946	Diesel engineer	Plaintiff worked with and assisted others who worked with asbestos gaskets, packing and insulation used in connection machinery and equipment such as boilers, turbines, pumps, valves, blowers, tanks, chillers, heaters, evaporators, air conditioners, diesel engines, steam lines and other like equipment. Presently, plaintiff can recall the following manufacturers: <u>Diesel engines General Motors 671s and 361 diesel engines.</u>	Plaintiff worked with and assisted others who worked with asbestos gaskets, packing and insulation used in connection machinery and equipment such as boilers, turbines, pumps, valves, blowers, tanks, chillers, heaters, evaporators, air conditioners, engines, steam lines and other like equipment. Presently, plaintiff can recall the following manufacturers: <u>Diesel engines General Motors 671s and 361 diesel engines.</u>	To be provided.	To be provided.	To be provided.

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Name of Employee	Dates of Employment	Asbestos-related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM* Used Personally	Other ACM to Which You Were Exposed**	Other Workers on Jobsite, including supervisor	ACM Identified by Such Other Workers	Other Companies Using ACM at Job Sites
Martin Gatz Engineering, Jamaica, NY	1946-1948	Numerous commercial and residential sites throughout the City of New York.	1946-1948	Boilermaker/pipefitter/plumber	Plaintiff was exposed to asbestos-containing block, pipe covering, gaskets, packing, cement and cloth while installing new boilers and heating systems. Plaintiff cannot presently identify all of the manufacturers of such products but states that he would have been exposed to, would have handled and/or worked with all such materials manufactured during the period he was employed. Plaintiff will further rely upon the testimony of coworkers and other evidence demonstrating the presence of various manufacturers' products.	Plaintiff worked with and around and assisted others who worked with asbestos gaskets, packing and insulation used in connection machinery and equipment such as boilers, turbines, pumps, valves, blowers, tanks, chillers, heaters, evaporators, air conditioners, engines, steam lines and other like equipment in the ship's engine spaces. Plaintiff cannot presently identify all of the manufacturers of such products but states that he would have been exposed to, would have handled and/or worked with all such materials manufactured during the period he was employed. Plaintiff will further rely upon the testimony of coworkers and other	To be provided.	To be provided.	To be provided.

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Name of Employer	Dates of Employment	Asbestos-related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM* Used Personally	Other ACM to Which You Were Exposed**	Other Workers on Jobsite, including supervisor	ACM identified by Such Other Workers	Other Companies Using ACM at Job Sites
						evidence demonstrating the presence of various manufacturers' products.			
Pan American Airlines	1948-1950	Jamaica, NY	1948-1950	Systems analyst	No known asbestos exposure.	No known asbestos exposure.	To be provided.	To be provided.	To be provided.
Ideal Incorporated	1950-1954	Brooklyn, NY	1950-1954	Systems analyst	No known asbestos exposure.	No known asbestos exposure.	To be provided.	To be provided.	To be provided.
General Electric Company	1954-1985	Pittsfield, MA	1954-1985	Systems analyst	No known asbestos exposure.	No known asbestos exposure.	To be provided.	To be provided.	To be provided.

** Identify brand and manufacturer names, if known.

As of 5/29/08

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EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X Index No.: 107498-08
DONALD WOLF and DOROTHY WOLF,

Date Filed:

Plaintiff(s),

Plaintiff Designates

NEW YORK

County as the Place of Trial

-against-

The Basis of Venue is
Defendants' Place of Business

A.O. SMITH WATER PRODUCTS CO.,
A.W. CHESTERTON COMPANY,
ANCHOR PACKING COMPANY,
AQUA-CHEM, INC.,
BMCE INC.,
f/k/a UNITED CENTRIFUGAL PUMP,
BUFFALO PUMPS, INC.,
BURNHAM, LLC,
Individually, and as successor to
BURNHAM CORPORATION,
BW/IP INTERNATIONAL, INC.,
f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS,
CARRIER CORPORATION,
Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS,
CBS CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,
CERTAIN TEED CORPORATION,
CLEAVER BROOKS COMPANY, INC.,
CRANE CO.,
CRANE PUMPS,
EMPIRE-ACE INSULATION MFG. CORP.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.,
GENERAL MOTORS CORPORATION,
GOULDS PUMPS, INC.,
H.B. FULLER COMPANY,
IMO INDUSTRIES, INC.,
INGERSOLL-RAND COMPANY,
ITT CORPORATION,
J.H. FRANCE REFRACTORIES COMPANY,
KEELER-DORR-OLIVER BOILER COMPANY,
KOHLER CO.,
LESLIE CONTROLS, INC.,
OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PEERLESS INDUSTRIES, INC.,

FILED

JUN 04 2008
JUN 04 2008
NEW YORK
COUNTY CLERK'S OFFICE
COUNTY CLERK'S OFFICE

PREMIER REFRACTORIES, INC.,
f/k/a ADIENCE, INC., f/k/a BMI,
RAPID-AMERICAN CORPORATION,
REYNOLDS METALS COMPANY,
Individually and as successor in interest to ATLANTIC
ASBESTOS CORP.,
THE FAIRBANKS COMPANY,
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,
U.S. RUBBER COMPANY (UNIROYAL),
WARREN PUMPS, INC.,
WEIL-MCLAIN,
a division of THE MARLEY COMPANY,
BRYANT HEATING & COOLING SYSTEMS,
NATIONAL BOILER WORKS, INC.,
YORK INDUSTRIES CORP.,

Defendants

-----X
To the above named Defendant(s)

You are hereby summoned to answer the **amended verified** complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, June 03, 2008
New York, New York

Defendant's address:

SEE ATTACHED DEFENDANTS RIDER

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X Index No: 107498-08

DONALD WOLF and DOROTHY WOLF,

Date Filed:

Plaintiff(s),

-against-

**AMENDED
VERIFIED
COMPLAINT**

A.O. SMITH WATER PRODUCTS CO.,
A.W. CHESTERTON COMPANY,
ANCHOR PACKING COMPANY,
AQUA-CHEM, INC.,
BMCE INC.,
f/k/a UNITED CENTRIFUGAL PUMP,
BUFFALO PUMPS, INC.,
BURNHAM, LLC,
Individually, and as successor to
BURNHAM CORPORATION,
BW/IP INTERNATIONAL, INC.,
f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS,
CARRIER CORPORATION,
Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS,
CBS CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,
CERTAIN TEED CORPORATION,
CLEAVER BROOKS COMPANY, INC.,
CRANE CO.,
CRANE PUMPS,
EMPIRE-ACE INSULATION MFG. CORP.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.,
GENERAL MOTORS CORPORATION,
GOULDS PUMPS, INC.,
H.B. FULLER COMPANY,
IMO INDUSTRIES, INC.,
INGERSOLL-RAND COMPANY,
ITT CORPORATION,
J.H. FRANCE REFRACTORIES COMPANY,
KEELER-DORR-OLIVER BOILER COMPANY,
KOHLER CO.,
LESLIE CONTROLS, INC.,
OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PEERLESS INDUSTRIES, INC.,
PREMIER REFRACTORIES, INC.,
f/k/a ADIENCE, INC., f/k/a BMI,
RAPID-AMERICAN CORPORATION,

REYNOLDS METALS COMPANY,
Individually and as successor in interest to ATLANTIC
ASBESTOS CORP.,
THE FAIRBANKS COMPANY,
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,
U.S. RUBBER COMPANY (UNIROYAL),
WARREN PUMPS, INC.,
WEIL-MCLAIN,
a division of THE MARLEY COMPANY,
BRYANT HEATING & COOLING SYSTEMS,
NATIONAL BOILER WORKS, INC.,
YORK INDUSTRIES CORP.,

Defendants

-----X

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys,
WEITZ & LUXENBERG, P.C., upon information and belief, at all times hereinafter mentioned
alleges as follows:

1. Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their
attorneys, WEITZ & LUXENBERG, P.C., for their **amended verified complaint** respectfully
alleges:
2. Defendant AQUA-CHEM, INC., was and still is a duly organized
domestic corporation doing business in the State of New York.
3. Defendant AQUA-CHEM, INC., was and still is a duly organized foreign
corporation doing business and/or transacting business in the State of New York and/or should
have expected its acts to have consequences within the State of New York.
4. **Defendant BRYANT HEATING & COOLING SYSTEMS, was and
still is a duly organized domestic corporation doing business in the State of New York.**
5. Defendant BUFFALO PUMPS, INC., was and still is a duly organized
domestic corporation doing business in the State of New York.

6. Defendant BUFFALO PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

7. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

8. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

9. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized domestic corporation doing business in the State of New York.

10. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

11. Defendant CRANE PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

12. Defendant CRANE PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

13. Defendant IMO INDUSTRIES, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

14. Defendant IMO INDUSTRIES, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

15. Defendant ITT CORPORATION, was and still is a duly organized domestic corporation doing business in the State of New York.

16. Defendant ITT CORPORATION, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

17. Defendant LESLIE CONTROLS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

18. Defendant LESLIE CONTROLS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

19. **Defendant NATIONAL BOILER WORKS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.**

20. **Defendant NATIONAL BOILER WORKS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.**

21. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized domestic corporation doing business in the State of New York.

22. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

23. Defendant WARREN PUMPS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

24. Defendant WARREN PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, repeats and realleges NYAL - WEITZ & LUXENBERG, P.C. STANDARD ASBESTOS COMPLAINT FOR PERSONAL INJURY No. 7 as if fully incorporated herein as it pertains to the defendants in the aforementioned caption.

Dated: June 03, 2008
New York, New York

Yours, etc.,

WEITZ & LUXENBERG, P.C

Attorneys for Plaintiff(s)
180 Maiden Lane
New York, NY 10038
(212) 558-5500

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X Index No.: 08107498
DONALD WOLF and DOROTHY WOLF,

Date Filed:

Plaintiff(s),

Plaintiff Designates

NEW YORK

County as the Place of Trial

-against-

The Basis of Venue is

Defendants' Place of Business

A.O. SMITH WATER PRODUCTS CO.,
A.W. CHESTERTON COMPANY,
ANCHOR PACKING COMPANY,
AQUA-CHEM, INC.,
BMCE INC.,

SUMMONS

f/k/a UNITED CENTRIFUGAL PUMP,
BUFFALO PUMPS, INC.,
BURNHAM, LLC,

Individually, and as successor to
BURNHAM CORPORATION,
BW/IP INTERNATIONAL, INC.,
f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS,
CARRIER CORPORATION,

Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS,
CBS CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,

CERTAIN TEED CORPORATION,
CLEAVER BROOKS COMPANY, INC.,
CRANE CO.,
CRANE PUMPS,
EMPIRE-ACE INSULATION MFG. CORP.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.,
GENERAL MOTORS CORPORATION,
GOULDS PUMPS, INC.,
H.B. FULLER COMPANY,
IMO INDUSTRIES, INC.,
INGERSOLL-RAND COMPANY,
ITT CORPORATION,
J.H. FRANCE REFRACTORIES COMPANY,
KEELER-DORR-OLIVER BOILER COMPANY,
KOHLER CO.,
LESLIE CONTROLS, INC.,
OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PEERLESS INDUSTRIES, INC.,
PREMIER REFRACTORIES, INC.,
f/k/a ADIENCE, INC., f/k/a BMI,

FILED

MAY 29 2008

**COUNTY CLERK'S OFFICE
NEW YORK**

RAPID-AMERICAN CORPORATION,
REYNOLDS METALS COMPANY,

Individually and as successor in interest to ATLANTIC
ASBESTOS CORP.,
THE FAIRBANKS COMPANY,
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,
U.S. RUBBER COMPANY (UNTIROYAL),
WARREN PUMPS, INC.,
WEIL-MCLAIN,
a division of THE MARLEY COMPANY,

Defendants.

-----X
To the above named Defendant(s)

You are hereby summoned to answer the **verified** complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, May 29, 2008
New York, New York

Defendant's address:

SEE ATTACHED DEFENDANTS RIDER

WEITZ & LUXENBERG, P.C.
Attorney(s) for Plaintiff
Post Office Address
180 Maiden Lane
New York, New York 10038
(212) 558-5500

DEFENDANTS' RIDER

O. SMITH WATER PRODUCTS CO.
11270 West Park Place
Milwaukee, WI 11270

A.W. CHESTERTON COMPANY
Joseph E. Riley
225 Fallon Road
Stoneham, MA 02180

ANCHOR PACKING COMPANY
CT Corporation System
100 Pine Street,
Suite 325
Harrisburg, PA 17101

AQUA-CHEM, INC.
7800 North 113th Street
Milwaukee, WI 53224

BMCE INC.,
f/k/a UNITED CENTRIFUGAL PUMP
Weiner Lesniak LLP
Anna M. DiLonardo
888 Veterans Memorial Highway
Hauppague, NY 11788

BUFFALO PUMPS, INC.
874 OLIVER STREET
N. TONAWANDA, NY 14120

BURNHAM, LLC,
Individually, and as successor to
BURNHAM CORPORATION
1239 Harrisburg Pike
Lancaster, PA 17603

BW/IP INTERNATIONAL, INC.,
f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS
200 South Michigan Avenue
Chicago, IL 60604

CARRIER CORPORATION,
Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS
CT Corporation System
111 8th Avenue
New York, NY 10011

FULLER COMPANY
Charles Becker, Esq.
Meagher & Geer
4200 Multifoods Tower
33 South Sixth Street
33 South Sixth Street
Minneapolis, MN 55402-3788

IMO INDUSTRIES, INC.
997 Lenox Drive
Suite 111
Lawrenceville, NJ 08648

INGERSOLL-RAND COMPANY
CT Corporation Systems
111 8th Avenue
New York, NY 10011

ITT CORPORATION
CT Corporation System
111 8th Avenue
New York, NY 10011

J.H. FRANCE REFRACTORIES COMPANY
SPECIAL CLAIMS SERVICES, INC.
809 Coshocton Avenue
Suite 1
Mount Vernon, OH 43050-1931

KEELER-DORR-OLIVER BOILER COMPANY
Wayne A. Marvel, Esq.
Maron & Marvel
1300 North Broom Street
Wilmington, DE 19806-4206

KOHLER CO.
HOAGLAND, LONGO, MORAN, DUNST, &
DOUKAS, LLP
Marc S. Gaffrey, Esq.
40 Patterson Street
New Brunswick, NJ 08903

LESLIE CONTROLS, INC.
12501 Telecom Drive
Tampa, FL 33637

OAKFABCO, INC.
705 McKnight Park Drive
Pittsburgh, PA

OWENS-ILLINOIS, INC.
One Michael Owens Way
Perrysburg, OH 43551

LESS INDUSTRIES, INC.
Joseph Martindell
McGivney & Kluger, P.C.
23 Vreeland Road, Suite 220

Florham Park, NJ 07932

PREMIER REFRACTORIES, INC.,
f/k/a **ADIENCE, INC., f/k/a BMI**
Special Claims Services, Inc.
809 Coshocton Avenue, Suite 1
Attention: Donald E. Ward, President
Mount Vernon, OH 43050

RAPID-AMERICAN CORPORATION
2711 Centerville Road
Wilmington, DE 19808

REYNOLDS METALS COMPANY,
Individually and as successor in interest to **ATLANTIC ASBESTOS CORP.**
Lori Elliott Guzman, Esq.
HUNTON & WILLIAMS
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

THE FAIRBANKS COMPANY
CT Corporation System (GA)
1201 Peachtree Street NE
Atlanta, GA 30361

TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.
Michele Corcoran, New Filings Manager
c/o PACE
1009 Lenox Drive, Bldg 4 Suite 101
Lawrenceville, NJ 08648

U.S. RUBBER COMPANY (UNIROYAL)
c/o Frank Degrim, Esq.
GREENFIELD, STEIN & SENOIR
600 Third Avenue, 11th Floor
New York, NY 10016-1903

WARREN PUMPS, INC.
82 Bridges Avenue
Warren, MA 01083

WEIL-MCLAIN,
a division of **THE MARLEY COMPANY**
500 Blaine Street
Michigan City, IN 46360

**CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION**

Asbestos Litigation Support Manager
ECKERT SEAMANS CHERIN & MELLOTT, LLC
Case Management & Technology Center
USX Towers
600 Grant Street
Pittsburgh, PA 15219

CERTAIN TEED CORPORATION

CT Corporation System
111 8th Avenue
New York, NY 10011

CLEAVER BROOKS COMPANY, INC.

11950 West Park Place
Milwaukee, WI 11270

CRANE CO.

100 First Stamford Place
Stamford, CT 06902

CRANE PUMPS

CT Corporation System
1300 East Ninth Street
Cleveland, OH 44114

EMPIRE-ACE INSULATION MFG. CORP.

c/o THE SECRETARY OF STATE
41 State Street
Albany, NY 12207

GARLOCK SEALING TECHNOLOGIES LLC,

f/k/a GARLOCK INC.

CT Corporation System
111 8th Avenue
New York, NY 10011

GENERAL MOTORS CORPORATION

CT Corporation Systems
111 8th Avenue
New York, NY 10011

GOULDS PUMPS, INC.

240 Fall Street
Seneca Falls, NY 13148

LAW OFFICES

OF

WEITZ

&

LUXENBERG, P.C.

180 MAIDEN LANE

NEW YORK, N.Y. 10038

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

Plaintiff(s),

-against-

A.O. SMITH WATER PRODUCTS CO.,
A.W. CHESTERTON COMPANY,
ANCHOR PACKING COMPANY,
AQUA-CHEM, INC.,
BMCE INC.,
f/k/a UNITED CENTRIFUGAL PUMP,
BUFFALO PUMPS, INC.,
BURNHAM, LLC,
Individually, and as successor to
BURNHAM CORPORATION,
BW/IP INTERNATIONAL, INC.,
f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS,
CARRIER CORPORATION,
Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS,
CBS CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,
CERTAIN TEED CORPORATION,
CLEAVER BROOKS COMPANY, INC.,
CRANE CO.,
CRANE PUMPS,
EMPIRE-ACE INSULATION MFG. CORP.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.,
GENERAL MOTORS CORPORATION,
GOULDS PUMPS, INC.,
H.B. FULLER COMPANY,
IMO INDUSTRIES, INC.,
INGERSOLL-RAND COMPANY,
ITT CORPORATION,
J.H. FRANCE REFRACTORIES COMPANY,
KEELER-DORR-OLIVER BOILER COMPANY,
KOHLER CO.,
LESLIE CONTROLS, INC.,
OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PEERLESS INDUSTRIES, INC.,
PREMIER REFRACTORIES, INC.,
f/k/a ADIENCE, INC., f/k/a BMI,
RAPID-AMERICAN CORPORATION,

Index No.:

Date Filed:

**VERIFIED
COMPLAINT**

OLD METALS COMPANY,
individually and as successor in interest to ATLANTIC
BESTOS CORP.,
THE FAIRBANKS COMPANY,
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,
U.S. RUBBER COMPANY (UNIROYAL),
WARREN PUMPS, INC.,
WEIL-MCLAIN,
a division of THE MARLEY COMPANY,

Defendants.

-----X

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys
WEITZ & LUXENBERG, P.C., upon information and belief, at all times hereinafter mentioned
alleges as follows:

1. Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys,
WEITZ & LUXENBERG, P.C., for their **verified complaint** respectfully alleges:
2. Defendant AQUA-CHEM, INC., was and still is a duly organized
domestic corporation doing business in the State of New York.
3. Defendant AQUA-CHEM, INC., was and still is a duly organized foreign
corporation doing business and/or transacting business in the State of New York and/or should
have expected its acts to have consequences within the State of New York.
4. Defendant BUFFALO PUMPS, INC., was and still is a duly organized
domestic corporation doing business in the State of New York.
5. Defendant BUFFALO PUMPS, INC., was and still is a duly organized
foreign corporation doing business and/or transacting business in the State of New York and/or
should have expected its acts to have consequences within the State of New York.
6. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER
INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly
organized domestic corporation doing business in the State of New York.

7. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

8. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized domestic corporation doing business in the State of New York.

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10. Defendant CRANE PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

11. Defendant CRANE PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

12. Defendant IMO INDUSTRIES, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

13. Defendant IMO INDUSTRIES, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

14. Defendant ITT CORPORATION, was and still is a duly organized domestic corporation doing business in the State of New York.

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21. Defendant WARREN PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, repeats and realleges NYAL - WEITZ & LUXENBERG, P.C. STANDARD ASBESTOS COMPLAINT FOR PERSONAL INJURY No. 7 as if fully incorporated herein as it pertains to the defendants in the aforementioned caption.

May 29, 2008
New York, New York

Yours, etc.,

WEITZ & LUXENBERG, P.C

Attorneys for Plaintiff(s)
180 Maiden Lane
New York, NY 10038
(212) 558-5500

LAW OFFICES
OF
WEITZ
&
LUXENBERG, P.C.
180 MAIDEN LANE
NEW YORK, N.Y. 10038

46-3004R-100M92

COUNTY CLERK, NEW YORK COUNTYApplication for INDEX NUMBER pursuant to Section 8018,
C.P.L.R.**FEE \$210.00**

Space below to be TYPED or PRINTED by applicant

INDEX NUMBER

Do not write in this space

TITLE OF ACTION OR PROCEEDINGDONALD WOLF and DOROTHY WOLF
Plaintiff(s)A.O. SMITH WATER PRODUCTS CO. et al.
Defendant(s)**CHECK ONE**☐COMMERCIAL
ACTION☒NOT
COMMERCIAL
ACTION☐CONSUMER
CREDIT
TRANSACTION☒NOT
CONSUMER
CREDIT
TRANSACTION☐THIRD
PARTY
ACTION*☒NOT
THIRD
PARTY
ACTION**IF THIRD PARTY ACTION
MAIN INDEX NO.**

SEE ATTACHED FULL CAPTION RIDER

Name and address of
Attorney for Plaintiff
or Petitioner.
Telephone No.Weitz & Luxenberg, PC
180 Maiden Lane
New York, NY 10038
212-558-5500Name and address of
Attorney for Defendant
or Respondent.
Telephone No.

08107498

**A. Nature and object of action or
Nature of special proceeding**

Personal Injury: Asbestos Exposure

B. Application for Index Number filed by:Plaintiff ☒Defendant ☐**C. Was a previous Third Party Action filed** Yes ☐ No ☒

Date filed

180 MAIDEN LANE
NEW YORK, N.Y. 10038OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PEERLESS INDUSTRIES, INC.,
PREMIER REFRACTORIES, INC.,
f/k/a ADIANCE, INC., f/k/a BMI,
RAPID-AMERICAN CORPORATION,

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DONALD WOLF and DOROTHY WOLF,

Plaintiff(s),

**FULL CAPTION
RIDER**

-against-

A.O. SMITH WATER PRODUCTS CO.,
A.W. CHESTERTON COMPANY,
ANCHOR PACKING COMPANY,
AQUA-CHEM, INC.,
BMCE INC.,
f/k/a UNITED CENTRIFUGAL PUMP,
BUFFALO PUMPS, INC.,
BURNHAM, LLC,
Individually, and as successor to
BURNHAM CORPORATION,
BW/IP INTERNATIONAL, INC.,
f/k/a BORG WARNER INDUSTRIAL PRODUCTS
successor to BYRON JACKSON PUMPS,
CARRIER CORPORATION,
Individually, and as successor in interest to
BRYANT HEATING & COOLING SYSTEMS,
CBS CORPORATION, a Delaware Corporation,
f/k/a VIACOM INC. successor by merger to CBS
CORPORATION, a Pennsylvania Corporation,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,
CERTAIN TEED CORPORATION,
CLEAVER BROOKS COMPANY, INC.,
CRANE CO.,
CRANE PUMPS,
EMPIRE-ACE INSULATION MFG. CORP.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.,
GENERAL MOTORS CORPORATION,
GOULDS PUMPS, INC.,
H.B. FULLER COMPANY,
IMO INDUSTRIES, INC.,
INGERSOLL-RAND COMPANY,
ITT CORPORATION,
J.H. FRANCE REFRACTORIES COMPANY,
KEELER-DORR-OLIVER BOILER COMPANY,
KOHLER CO.,
LESLIE CONTROLS, INC.,
OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PEERLESS INDUSTRIES, INC.,
PREMIER REFRACTORIES, INC.,
f/k/a ADIENCE, INC., f/k/a BMI,
RAPID-AMERICAN CORPORATION,

OFFICES

ST

RG, P.C.

EN LANE

N.Y. 10038

REYNOLDS METALS COMPANY,

Individually and as successor in interest to ATLANTIC
ASBESTOS CORP.,

THE FAIRBANKS COMPANY,

TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,

U.S. RUBBER COMPANY (UNIROYAL),

WARREN PUMPS, INC.,

WEIL-MCLAIN,

a division of THE MARLEY COMPANY,

Defendants.

-----X

LAW OFFICES
OF
WEITZ
&
LUXENBERG, P.C.
180 MAIDEN LANE
NEW YORK, N.Y. 10038

**COUNTY CLERK'S OFFICE
NEW YORK**

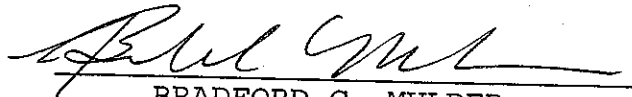
ATTORNEY'S AFFIRMATION OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

BRADFORD C. MULDER, an attorney admitted to practice in the Courts of the State of New York, affirms under penalty of perjury:

That on June6, 2008, I served a true copy of the attached Acknowledgment of Receipt of a Summons and Complaint upon plaintiff's counsel on the attached service list, via First Class Mail, by depositing the same in a duly enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America within the State of New York and notified all defendants' counsel of this filing at the addresses listed on the attached service list via facsimile.

Dated: New York, New York
 June6, 2008


BRADFORD C. MULDER

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----:
IN RE: NEW YORK CITY ASBESTOS LITIGATION :
-----:

THIS DOCUMENT RELATES TO: :

Index No.: 08-107498

Donald Wolf and Dorothy Wolf, :

(Hon. Helen Freedman)

Plaintiff(s) :

-against- :

Keeler/Dorr-Oliver Boiler Company, *et al.*, :

Defendants. :
-----:

**ACKNOWLEDGEMENT
OF SERVICE & ANSWER
TO THE AMENDED
VERIFIED COMPLAINT**

Defendant KEELER/DORR-OLIVER BOILER COMPANY by its attorneys MARIN GOODMAN, LLP, hereby acknowledges receipt of the Supplemental Summons and Amended Verified Complaint in this action.

KEELER/DORR-OLIVER BOILER COMPANY hereby answers the Complaint in this action by reference to its latest Standard Answer(s) to Plaintiff's Standard Asbestos Complaint for Personal Injury/Wrongful Death filed pursuant to NYCAL Amended Case Management Order, dated September 20, 1996, and asserts each of the answers, affirmative defenses and cross claims contained in its latest Standard Answer(s).

Dated: June 17, 2008
New York, New York

Respectfully submitted,
MARIN GOODMAN, LLP



By: Richard P. Marin
Attorney for Defendant,
Keeler/Dorr-Oliver Boiler Company
40 Wall Street, 57th Floor
New York, NY 10005
(212) 661-1151

FILED
JUN 17 2008
NEW YORK
COUNTY CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DONALD WOLF and DOROTHY WOLF

Plaintiff(s),

Index No.: 107498-08

AFFIDAVIT OF SERVICE
BY MAIL

-against-

A.O. SMITH WATER PRODUCTS CO., et. al.,

Defendant(s).

FILED

JUN - 6 2008

NEW YORK
COUNTY CLERK'S OFFICE

-----X
STATE OF NEW YORK)

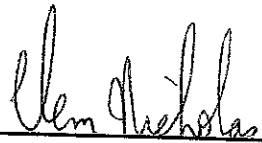
) SS.:

COUNTY OF NEW YORK)

Clem Nicholas, being duly sworn, says:

That I am not a party to this action, am over eighteen (18) years of age, and
reside in the State of New York.

That on the 5th day of June, 2008, I served a true copy of the Supplemental
Summons and amended Complaint, on the attorneys for the defendants set forth in
the attached rider, by depositing a true copy of same securely enclosed in a post paid
wrapper in an official depository under the exclusive care and custody of the United
States Post Office department within the State of New York, directed to said
attorney.



Clem Nicholas

Sworn to before me this
5th day of June, 2008


Notary Public

MARIE VANBUREN
Notary Public, State of New York
No. 01VA6071252
Qualified in New York County
Commission Expires March 11, 2010